

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

BRYAN BATES and RAINER	)	
SCHMEISHEL,	)	Case No. 3:17-cv-408
	)	
<i>Plaintiffs,</i>	)	Judge Travis R. McDonough
	)	
v.	)	Magistrate Judge H. Bruce Guyton
	)	
THE SCOTTS COMPANY, LLC, and EG	)	
SYSTEMS, INC.,	)	
	)	
<i>Defendants.</i>	)	

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**ORDER**

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On September 7, 2018, United States Magistrate Judge H. Bruce Guyton filed his report and recommendation pursuant to 28 U.S.C. § 636(b)(1). (Doc. 35.) Magistrate Judge Guyton recommended that the parties' motion for approval of settlement and incorporated memorandum of law (Doc. 33) be approved in its entirety. (Doc. 35.) Neither party has filed any objections to Magistrate Judge Guyton's report and recommendation.<sup>1</sup> Additionally, as noted by Magistrate Judge Guyton, the parties submit that the proposed settlement is fair and reasonable. (*Id.* at 3–4.) Nevertheless, the Court has conducted a review of the report and recommendation, as well as the record, and it agrees with Magistrate Judge Guyton's well-reasoned conclusions. Accordingly,

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<sup>1</sup> Magistrate Judge Guyton specifically advised the parties that they had fourteen days in which to object to the report and recommendation and that failure to do so would waive their right to appeal. (Doc. 30, at 11 n.5); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148–51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Federal Rule of Civil Procedure 6(d), the period in which the parties could timely file any objections has now expired.

the Court will **ACCEPT** and **ADOPT** Magistrate Judge Guyton's report and recommendation (Doc. 35). The parties' joint motion for approval of settlement and incorporated memorandum of law (Doc. 35) is **GRANTED**. The parties are further **ORDERED** to submit a joint stipulation of dismissal within **thirty days** of the date of this Order.

**SO ORDERED.**

*/s/ Travis R. McDonough*  

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TRAVIS R. MCDONOUGH  
UNITED STATES DISTRICT JUDGE